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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,720	03/31/2004	Shashishekara Sitharamarao Talya	136466-1/YOD GERD:0092	7407
7590 11/02/2006			EXAMINER	
Patrick S. Yoder FLETCHER YODER P.O. Box 692289 Houston, TX 77269-2289			VERDIER, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,720

Applicant(s)

TALYA ET AL.

Examiner

Christopher Verdier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-17,19-27,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-17,27,29 and 30 is/are allowed.
- 6) ☒ Claim(s) 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Applicant's Amendment dated August 14, 2006 has been carefully considered but is non-persuasive. The specification has been amended to correct the informalities set forth in the first Office action. The specification has been amended to provide antecedent basis for claims 6-8, 10, 14, 15, 17, and 26. Correction of these matter is noted with appreciation.

With regard to the objection to the specification as failing to provide proper antecedent basis for the subject matter of claim 21, which recites substantially simultaneously regulating flow through a needle valve of a needle valve injector assembly and a high efficiency valve of a high efficiency injector assembly to direct a flow of water from a distributor to a runner, Applicant has amended the specification at paragraph [0032] to state simultaneously regulating flow of water, but not substantially simultaneously regulating flow. Therefore, the specification still lacks antecedent basis for the subject matter of claim 21.

Applicant's arguments concerning how the amended claims define over Japanese Patent 10-26,072 and European Patent 1,308,619 have been carefully considered and are persuasive. Applicant is thanked for pointing out these differences. However, amended claims 19-26 are rejectable based on the prior art set forth below.

Specification

The amendment filed August 14, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not

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supported by the original disclosure is as follows: Paragraph [0032], line 10 of the specification has been amended to state “simultaneously regulating flow of water”, but not substantially simultaneously regulating flow of water, as recited in original claim 21. The addition of “simultaneously” regulating the flow of water adds new matter. This should be changed to -- substantially simultaneously regulating flow of water -- in order to overcome the objection.

Applicant is required to cancel the new matter in the reply to this Office Action.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 21 recites substantially simultaneously regulating flow through a needle valve of a needle valve injector assembly and a high efficiency valve of a high efficiency injector assembly to direct a flow of water from a distributor to a runner. There is no antecedent basis in the specification for the underlined term.

Claim Objections

Claims 23-26 are objected to because of the following informalities: Appropriate correction is required.

In claim 23, line 4, “a” (second occurrence) should be changed to -- the --.

In claim 23, line 9, “pelton” should be changed to -- Pelton --.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19-24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Moody 1,776,392. Moody discloses a method for operating a Pelton turbine, comprising opening a needle valve 63 of a needle valve injector assembly 33 and a valve 63 of a high efficiency injector assembly 33 to a direct flow of water from a distributor 30 to a runner 2, and controlling the needle valve of the needle valve injector assembly to regulate a desired flow of water from the distributor to the runner, wherein the Pelton turbine comprises at least two needle valve injector assemblies 33 alternately disposed with at least two high efficiency injector assemblies 33 to provide a modulated flow of water from the needle valve injector assemblies, and further comprising controlling the high efficiency injector assemblies and the needle valve injector assemblies to provide the desired flow of water to from the distributor to the runner. The method also comprises substantially simultaneously regulating flow through a needle valve of the needle valve injector assembly and a high efficiency valve of the high efficiency injector assembly to direct a flow of water from the distributor to the runner, and controlling the needle valve injector assembly to provide a desired flow from the distributor to the runner. The high efficiency injector assemblies are automatically operated to provide a fully open flow path between the

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distributor and the runner in a fully opened position or to fully close the flow path between the runner and the distributor in a closed position. Also disclosed is a method for configuring the Pelton turbine, comprising disposing at least two needle valve injector assemblies 33 between the distributor and the runner of the Pelton turbine to direct flow from the distributor to the runner, and disposing at least two high efficiency injector assemblies 33 between the distributor and the runner to direct a portion of overall flow of water from the distributor to the runner, wherein the Pelton turbine comprises at least two needle valve injector assemblies 33 alternately disposed with at least two high efficiency injector assemblies 33. The at least two high efficiency injector assemblies have identical sizes.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moody 1,776,392 in view of European Patent 1,308,619. Moody discloses a method for configuring a Pelton turbine substantially as claimed as set forth above, including providing at least two needle valve assemblies 33 and at least two high efficiency injector assemblies 33, but does not disclose that the at least two needle valve assemblies 33 and at least two high efficiency injector assemblies 33 are selected based upon power requirements of the Pelton turbine and a range of flow between the distributor and the runner.

European Patent 1,308,619 (figure 1) shows a Pelton turbine having a needle valve assembly 4, which is selected, based upon power requirements of the Pelton turbine and a range of flow between an unnumbered distributor and a runner 1, for the purpose of optimizing the efficiency and power of the turbine.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to select the at least two needle valve assemblies 33 and at least two high efficiency injector assemblies 33 in the Pelton turbine of Moody based upon power requirements of the Pelton turbine and a range of flow between the distributor and the runner, as taught by European Patent 1,308,619, for the purpose of optimizing the efficiency and power of the turbine.

Allowable Subject Matter

Claims 1, 3-17, 27, and 29-30 are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

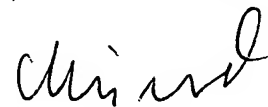
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.V.
October 27, 2006



Christopher Verdier
Primary Examiner
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